

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ORA NAFTALI AND RONI NAFTALI,
AS TRUSTEES OF THE EDTOM TRUST,

Plaintiff,

- v -

NEW YORK DEFERRED EXCHANGE
CORP., AND JEFFREY WECHSLER

Defendants.

And Other Counterclaims and Third Party Claims

Civil Action No. 15-cv-7152 (JMA)(JMW)

**NYDEC’S RESPONSE TO PLAINTIFFS’
STATEMENT OF ADDITIONAL DISPUTED MATERIAL FACTS**

Pursuant to Federal Rule of Civil Procedure 56(b), Defendant/Counterclaim Plaintiff/Third-Party Plaintiff/Third-Party Counterclaim Defendant New York Deferred Exchange Corporation (“NYDEC”) respectfully submits this Response to Plaintiffs’ Statement of Additional Disputed Material Facts:

1. Upon his receipt of the fully executed Exchange Agreement, Friedrich “Fritz” Trinklein understood Plaintiffs had no tax identification number. *See* Ex. J to Cohen Declaration. (FT Dep. Tr. pg. 232:2-18)

RESPONSE: Disputed. Mr. Trinklein testified that upon his receipt of the fully executed Exchange Agreement, he understood that Plaintiffs “were looking for” the tax identification number. *See id.*

2. Upon his receipt of the fully executed Exchange Agreement, Fritz Trinklein reviewed the “FIRPTA certification” on page 10 of the Exchange Agreement. *Id.*

RESPONSE: Admitted.

Dated: July 1, 2021
New York, NY

HINSHAW & CULBERTSON LLP

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Third-Party Plaintiff/Third-Party Counterclaim
Defendant New York Deferred Exchange Corp.*

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